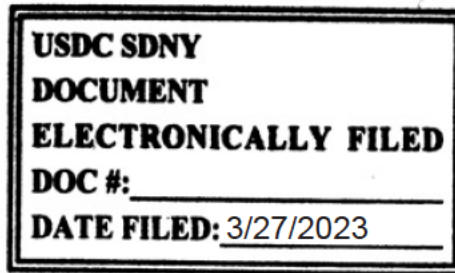




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March 16, 2023

Via ECF

The Honorable Robert W. Lehrburger
500 Pearl Street, Room 1960
United States Courthouse
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

We represent Defendants Darius Dale, Steven Lamar, and 42 Macro LLC and, in connection with Defendants' opposition to Hedgeye's motion for an indefinite extension of fact discovery, we write to request leave to file one sentence in Defendants' letter under seal. Hedgeye recently produced a document concerning communications between Hedgeye's general counsel and a news organization about this litigation. Hedgeye improperly designated that document "Highly Confidential-Attorneys' Eyes Only" under the Protective Order, although it is difficult to imagine a scenario in which a communication with a third-party news organization could merit such a designation. Counsel for the *Terman* Defendants promptly requested that Hedgeye remove that designation; however, they have not yet done so. Accordingly, under the Protective Order, we are required to file the reference to this document under seal. (Dkt. 45 at 9). We would be happy to file an unredacted letter should the Court agree that Hedgeye's designation is improper.

Request denied for the reasons stated.
Defendants shall file the letter in unredacted form.

SO ORDERED:

3/27/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

/s/ Jonathan P. Bach

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